

Osberg v. Foot Locker, Inc., et al., 07-cv-01358 (KBF) (S.D.N.Y.)

**Class's Opposition to Defendants' Motion *in Limine*
to Exclude Testimony of Christopher Maikels**

July 10, 2015

PX1280

To: Jim C and Chris
 From: Donna
 Re: Estimate Register

Jim
If you agree w/ all of this, give to
Chris to make changes.
D.

over 55 register

✓ I was able to fit 3 per page by deleting heading and making a small change. (Chris, the mmprint is reg0196.mpr). We can put a heading on the cover instead.

✓ For people who will turn 55 during 1996, what we are showing is the benefit payable at age 55, NOT at 1/1/96 (this was automatically handled in the mmcalc by setting the ERF not less than .4 or .6). Per Jim G this is what we want, BUT we need to make the payment date clear. My suggestion: calc a payment date field (which would be the date they turn near age 55 for those turning 55 in 1996, and 01/01/96 for everyone else), and print out just above normal retirement date. Will that stand out enough? (2nd person on sample register turns 55 in 96). Need to make woolworth aware of this issue.

X → Need to show **MONTHLY** benefits rather than annual, since they give ees monthly benefits (and especially since our column heading says monthly!)

✓ Jim G and I discussed the lump sums and here's what we came up with: For this time, we should show the estimated cash balance only, and NOT the minimum lump sum (since we don't really know what the interest rate will be). When we get the rate, we can rerun the register with the min lump sum. Will need to point this out to Woolworth. (Chris, leave the coding in, since we'll need it later, but don't use it). On register I would print "estimated cash balance" rather than "estimated lump sum at 1/1/96"

✓ For people turning 55 in 1996, we do **NOT** need to add 6% interest to the cash balance from 1/1/96 to payment date - per Jim G.

Other:

✓ Everyone in the CB data base who is over 65 has at least 1 year of vest svc as of 1/1/95. *yes!*
 (=> these guys can get a benefit at 1/1/96 and should be included on the reg)

Someone should check the selection criteria on the OP screen very carefully before it goes out. See my note on sample register.

✓ the normal retirement date in the statement database is bogus for ees over normal retirement date (__/05/1000) Did they give us this field? This is how its showing up on the register. *change to 1/1/96 for these people.*

Chris, I renamed your mmcalc and mmprint to reg0196.mca and reg0196.mpr
 continued.....

✓ why is there a separate calc for ben amounts? I'm afraid that we'll forget to rerun this when we need to make changes. Can we combine?

under 55 register

✓ Chris, need to do register for under 55 guys (I think selection = yob.ge.42 and vestsvc.ge.4). Show immediate life and 50% js, and cash balance. show MONTHLY benefits.

A novel, by Donna McNamara